

DECLARATION AND POWER OF ATTORNEY
(Case No. HYZ-069)

As below-named inventor, I hereby declare that:

My residences, post office addresses and citizenship are as stated below next to my name.

I believe that I am the original, and only inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVEL HIV-SPECIFIC OLIGONUCLEOTIDES AND METHODS OF THEIR USE

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application

Serial No. 08/914,827

on August 19, 1997

and was amended

on _____

(if applicable)

☐ was filed as PCT Patent Application

Serial No. _____

on _____

and was amended under PCT Article 19

on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR 1.56(a) and 1.56(b). I also acknowledge the duty to disclose all information which is material to the patentability as defined in 37 CFR 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. §119:**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)
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I hereby claim the benefit under Title 35, United States code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
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POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James B. Lambert	Reg. No. 24,564
Wayne M. Kennard	Reg. No. 30,271
Michael J. Bevilacqua	Reg. No. 31,091
Holly L. Baker	Reg. No. 31,321
Henry N. Wixon	Reg. No. 32,073
Donald R. Steinberg	Reg. No. 37,241
Wayne A. Keown	Reg. No. 33,923
Ann-Louise Kerner	Reg. No. 33,523
Michael A. Diener	Reg. No. 31,122
Colleen Superko	Reg. No. 39,850
Richard Goldenberg	Reg. No. 38,895
Gretchen Rice	Reg. No. 37,429
Peter Dichiaro	Reg. No. 38,005

the mailing address and telephone number of each of whom is HALE AND DORR, 60 State Street, Boston, Massachusetts 02109, (617) 526-6000.

Send Correspondence to:

Ann-Louise Kerner, Ph.D.
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109

Direct Telephone Calls to:

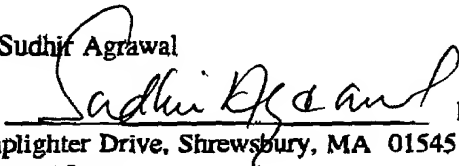
Ann-Louise Kerner, Ph.D.
(617) 526-6000
(617) 526-5000

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my names to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Sudhir Agrawal

Inventor's signature



Date

March 3 90

Residence: 61 Lamplighter Drive, Shrewsbury, MA 01545

Citizenship: A Citizen of India

Post Office Address: 61 Lamplighter Drive, Shrewsbury, MA 01545

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. HYZ-069)

Applicant or
Patentee: Sudhir Agrawal

Serial No. 08/914,827

Filed or
Issued: August 19, 1997

For: NOVEL HIV-SPECIFIC OLIGONUCLEOTIDES AND METHODS OF THEIR USE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) AND § 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Hybridon, Inc.
ADDRESS OF SMALL BUSINESS CONCERN: 620 Memorial Drive
Cambridge, MA 02139

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12 and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third part or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

NOVEL HIV-SPECIFIC OLIGONUCLEOTIDES AND METHODS OF THEIR USE

by the inventor, Sudhir Agrawal, described in

☐ the specification filed herewith

☒ Application Serial No. 08/914,827, filed August 19, 1997.

☐ Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

FULL NAME _____

ADDRESS _____

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

EA Simstend III
NAME OF PERSON SIGNING

PRESIDENT
TITLE IN ORGANIZATION

620 Memorial Drive, Cambridge, MA 02139

ADDRESS OF PERSON SIGNING

EA Simstend III
Signature

Date: March 3, 1998

ASSIGNMENT

WHEREAS, I, Sudhir Agrawal, being a citizen of India, and residing at 61 Lamplighter Drive, Shrewsbury, MA 01545, United States of America, am the inventor of certain new and useful inventions and discoveries, for which we have made an application for a Letters Patent entitled "NOVEL HIV-SPECIFIC OLIGONUCLEOTIDES AND METHODS OF THEIR USE," also identified as Attorney Docket No. HYZ-069, the specification of which was filed with the United States Patent and Trademark Office on August 19, 1997, and assigned Serial No. 08/914,827; and

WHEREAS, Hybridon, Inc., whose address is 260 Memorial Drive, Cambridge, MA 02139, United States of America, which, together with its successors and assigns is hereinafter called "ASSIGNEE," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited;

NOW, THEREFORE, for and in consideration of my employment by ASSIGNEE and other valuable consideration furnished by ASSIGNEE to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to ASSIGNEE the entire right, title, and interest in and to said inventions and discoveries, said United States Patent Application, any and all other applications for Letters Patent(s) on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part, reexamination and convention applications based in whole, or in part, upon said inventions or discoveries, or upon said applications, and any and all Letters Patent(s), reissues, and extensions of Letters Patent(s) granted for said inventions and discoveries or upon said applications, and every priority right

that is or may be predicated upon, or arise from, said inventions, said discoveries, said applications, and said Letters Patent(s);

2. Authorize ASSIGNEE to file patent applications in any or all countries on any or all of said inventions and discoveries in my name or in the name of ASSIGNEE or otherwise as ASSIGNEE may deem advisable, under International Conventions or otherwise;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments throughout the world to issue or transfer all said Letters Patent(s) to ASSIGNEE, as assignee of the entire right, title, and interest therein or otherwise as ASSIGNEE may direct;

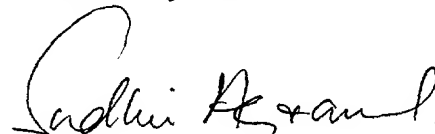
5. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents, or any license to use the same, or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to ASSIGNEE without encumbrance;

6. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon ASSIGNEE's request and at ASSIGNEE's expense, but without additional consideration to either us or them, all acts reasonably serving to assure that said inventions and discoveries, said patent applications, and said Letters Patent(s) shall be held and enjoyed by ASSIGNEE as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives, and assigns if this Assignment had not been made; and particularly to execute and deliver to

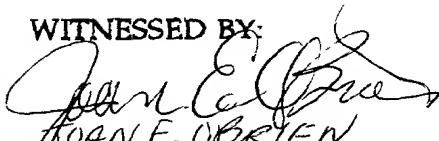
ASSIGNEE all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by ASSIGNEE; and to communicate to ASSIGNEE all facts known to us relating to said inventions and discoveries or the history thereof, and to testify as to the same in any court or proceeding; and to furnish ASSIGNEE any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal.

DATE: 3/3/98


Sudhir Agrawal

WITNESSED BY:


JOANE O'BRIEN

Name

620 Memorial Dr

Cambridge, MA 02139

Address